



Attorney Docket No. T9376.DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PETER PAL VARGA et al.)
TITLE: INTERVERTEBRAL SPACING)
IMPLANT SYSTEM)
SERIAL NO.: 10/055,673) PETITION UNDER 37 C.F.R.
FILED: January 22, 2002) §1.136(a)
EXAMINER: D. Willse)
ART UNIT: 3738)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.136(a), it is respectfully requested that the shortened statutory period which was set for responding to the Office Action dated May 4, 2004, be extended for three months until November 4, 2004. Submitted herewith is a completed Form PTO-2038 authorizing the Commissioner to charge the required fee of \$435 pursuant to 37 C.F.R. 1.17(a), (3) to the credit card indicated. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0836.

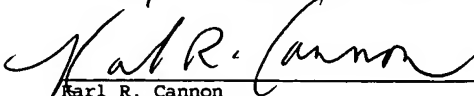
Certificate of Deposit Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 4 day of November, 2004.

11/10/2004 RHEBRAHT 00000035 10055673

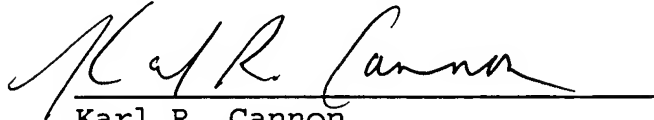
01 FC:2253

435.00 OP


Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

DATED this 4 day of November, 2004.

Respectfully submitted,

A handwritten signature in cursive script, reading "Karl R. Cannon", written over a horizontal line.

Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

Clayton, Howarth & Cannon, P.C.
P.O. Box 1909
Sandy, UT 84091
Telephone: (801) 255-5335
Facsimile: (801) 255-5338

KRC/kdl

S:\CHC Files\T 9--\T93--\T9376\DIV1\ext of time 11012004.frm